

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

- - - - - x
: MELVIN NEWSOME, et al., :
: :
: Plaintiffs, :
: :
: v. : Civil Action No.
: S01-2257
: UP-TO-DATE LAUNDRY, INC., :
: :
: Defendant. :
: :
- - - - - x

Washington, D.C.

Friday, February 1, 2002

Deposition of

JOHN EDWARD FITZGERALD

a witness of lawful age, taken on behalf of the
Plaintiffs, in the above-entitled action, before Mary
Ann Kohler, a Notary Public in and for the District of
Columbia, in the offices of Heller, Huron, Chertkof,
Lerner, Simon & Salzman, 1730 M Street, N.W., Suite
412, Washington, D.C., commencing at 10:52 a.m.

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1 sum up on this recruitment to get new employees --
2 word-of-mouth, some walk-ins, and then there was an
3 effort made to hire persons from Maryland suburbs?

4 A People that recommended employees. We found
5 that there was a glut of people that wanted jobs.

6 Q And what ethnicity were those people, were
7 those Hispanics or African-Americans or whites?

8 A The walk-ins were Afro-Americans and the
9 Hispanics in Southern Maryland.

10 Q Okay. Were there any whites who worked at the
11 plant just in hourly positions, or was it the vast
12 preponderance of the employees were Hispanic or black?

13 A I'm trying to think if there was any white. I
14 think there was probably one or two.

15 Q Very, very small?

16 A Very small. But that is notorious for almost
17 every laundry.

18 Q Most laundries the hourly workers are
19 minorities?

20 A Yes, lower education minorities.

21 Q It sounds like you had a demand for workers in
22 1999. Were applicants rejected for employment?

1 word, "nigger," at the workplace?

2 A David, yes.

3 Q And was that something that you heard him use
4 repeatedly?

5 A Yes.

6 Q Did you ever hear him direct that term -- the
7 use of the word "nigger" -- toward employees at the
8 company?

9 A Are you calling Brad --

10 Q No, Dave.

11 A Yeah, I'm talking about Dave. Dave would call
12 Brad that all the time.

13 Q Okay. What about employees? Would he call
14 employees at the company?

15 A Yes, I heard him say it.

16 Q And what about -- did you ever hear him curse
17 at black employees and using derogatory curse words?

18 A Yes.

19 Q For example -- I'll give you an example.

20 A Can I give you an example how?

21 Q Sure.

22 A Okay. David did a lot of what you call

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1 sidework, different functions in life, and he would get
2 different employees to help him and one of them was a
3 supervisor, that was a black supervisor, and I've heard
4 him curse him and I heard Sewell cuss out Dave and it
5 was just like, you know, two men talking, but they
6 weren't at work.

7 They were doing David's side ventures. And
8 when I say "side ventures," David sold rags. He
9 snowplowed. He was, you know, trying to make money
10 everywhere other than at Up-To-Date.

11 Q Would he say, for instance talk to employees
12 and say, you know, call them "black ass" or "move your
13 black ass," or anything like that?

14 A Yes, I've heard him say that to Mike Ashley,
15 one of my supervisors, and Mike would reply back to
16 him.

17 Q Did Dave use -- I apologize if I asked you
18 this. I'm sorry, if I did, but did Dave use the word
19 "nigger" all the time at Up-To-Date?

20 MS. PHELAN: I guess we would be limited by
21 Mr. Fitzgerald's interaction with him, which has not
22 been established.

1 "nigger" at the workplace?

2 A Yeah.

3 Q Did he ever say "stupid niggers"?

4 A Yes.

5 Q And what was the context of those remarks, if
6 you can recall?

7 A Yes, I remember the incident right well. The
8 tunnel had jammed and the man was just sitting there
9 watching the linen just jam in, and when Brad came over
10 and he stopped the press and he started to correct the
11 problem and pulled out some tools, and the guy was just
12 sitting there watching him. He said, "Hey, you know,
13 can you give me this?" And the guy looked at him like,
14 you know, what do you want? And then he made that
15 comment.

16 Q Okay. Did you ever hear him use the word
17 "nigger" at any other time at the workplace?

18 A No, that was the only incident that I heard
19 him say it.

20 Q So Brad was angry at that time?

21 A Oh, yeah. All the production had stopped.

22 Q And did you ever hear Brad or Dave refer to